

REMARKS

Claims 1-7 are pending in this application. By this Amendment, claim 1 is amended to further distinguish over the applied references and claim 7 is added. Support for the amendments can be found at, for example, page 5, lines 14-18 and in Figures 1 and 4. No new matter is added.

The Office Action rejects claims 1-6 under 35 U.S.C. §103(a) over Maeda (U.S. 2003/0058351) in view of Minakuti et al. (U.S. 2003/0076424) (Minakuti). The rejection is respectfully traversed.

The combination of Maeda and Minakuti fails to disclose or suggest the combination of features recited in independent claim 1. Maeda discloses that color temperature sensing by a colorimeter (colorimeter in Maeda) occurs automatically after obtaining the image data. See, for example, paragraph [0035] of Maeda. Maeda fails to disclose an operation member for receiving an instruction for a colorimetric timing of the ambient light from the user. Maeda discloses calculating color temperature from measurements of the captured image data and the output of the colorimetric device. Maeda discloses that each colorimetric result, and subsequently calculated color gain, is specific for each image and therefore is re-measured and recalculated for each image. Maeda does not disclose storing the color gain as an amount of white balance adjustment to be carried out on an image data. Maeda also fails to disclose the location of the colorimetric device.

The Office Action asserts that Minakuti discloses a colorimeter that includes a colorimetric switch to be pressed by a user in order to activate a colorimetric sensor and further asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the ambient light colorimetric sensor of Maeda with the user actuated switch of Minakuti. Applicant respectfully disagrees. There is no motivation

present in the references to suggest combining the two references to result in the claim 1 combination of features.

Maeda discloses a colorimetric sensor that is activated automatically by the imaging device following obtaining and evaluating image data. It is disclosed that, following a colorimetric sensor reading, the two data fields (one from the image data and one from the colorimetric sensor output) are evaluated and operated on by the appropriate formula to generate the color gain. Minakuti discloses a user operated switch because the Minakuti colorimetric device is located outside of and separate from the imaging device. It was necessary for Minakuti to provide the switch on the external colorimetric device in order to activate it because it is separate from the imaging device. Since the colorimetric measurement and subsequent color gain calculation of Maeda is dependent on automatic, non-user obtainable factors, a user activated switch is not necessary. Additionally, the operations performed in Minakuti are not compatible with the system and operation of obtaining the color gain disclosed by Maeda. Therefore, there would have been no motivation to combine the switch of Minakuti with the disclosure of Maeda.

Further, both Maeda and Minakuti fail to disclose storing the color gain as an amount of white balance adjustment to be carried out on an image data generated by the image pickup part, as recited in independent claim 1. Maeda discloses calculating the color gain with each image from data obtain from the individual image data and from the colorimetric measurement obtained from the image data. Minakuti discloses deleting the color gain upon completion of recording the image data for a particular image. See paragraph [0118] of Minakuti.

Maeda and Minakuti also fail to disclose the position of the colorimetric sensor being on the front wall of the housing.

Thus, the combination of Maeda and Minakuti fail to disclose all of the features of independent claim 1.

In view of the above, claim 1 is patentable. Further, claims 2-7 which are dependent on claim 1 are patentable for the same reasons as claim 1 in addition to the additional features recited by the subject claims. It is respectfully requested that the rejection be withdrawn.

By this amendment claim 7 is added. Claim 7 is supported by the specification, at least at page 16, lines 16-19 and in Figure 1. The features of claim 7 also are not disclosed in the references.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



Mario A. Costantino
Registration No. 33,565

MAC:MEM/hs

Attachment:

Petition for Extension of Time

Date: August 15, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
--